



JPW

2877

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MILLER et al.

Serial No.: 10/037,816

Filed: 01/03/2002

Confirmation No.: 6558

Atty. File No.: 50060-00048

For: "OFF AXIS OPTICAL SIGNAL
REDIRECTION ARCHITECTURES"

) Group Art Unit: 2877

) Examiner: GEISEL, KARA E.

) **RESPONSE TO ELECTION**
) **REQUIREMENT**

<p align="center">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT this correspondence or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: <u>4/23/04</u></p> <p align="center">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>By: <u><i>[Signature]</i></u> Daxmara Sanchez</p>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Response to Election Requirement to address the Office Action having a mailing date of March 29, 2004. Although Applicant does not believe any extension is necessary or that any fees are due in connection with the filing of this Response, please consider this a petition under 37 CFR 1.136 for an extension, if any, required to maintain the pendency of the present application and charge the required extension fee and other fees, if any, due in connection with this Response to Deposit Account No. 50-1419.

In the March 29, 2004 Office Action, the Examiner has taken the position that the above-identified patent application has claims directed to a number of patentably distinct species, namely Species I according to FIG. 4A, Species II according to FIG. 5A, Species III according to FIG. 6A, and Species IV according to FIG. 7.

Applicant hereby elects to prosecute claims readable on Species I (FIG. 4A) in this patent application. Claims as presently presented readable on Species I include Claims 1-5, 7-14, 16-17, 19-39, 46, 51-60, and 62-64.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: Robert B. Berube
Robert B. Berube, Esq.
Registration No. 39,608
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
Telephone: (303) 338-0997

Date: April 27, 2004